

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.84 of 2016
Arising out of
Civil Writ Jurisdiction Case No. 10271 of 2008**

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Munna Kumar Yadav, Son of Radha Mohan Yadav, resident of Village- Chotta Narhi, Police Station- Phephna, District- Balia, U.P.

.... Petitioner-Appellant

Versus

1. The State of Bihar through the Home Secretary, Government of Bihar, Patna.
2. Director General cum Inspector General of Police, Bihar, Patna.
3. Inspector General of Police, Bihar Military Police, Patna.
4. The Deputy Inspector General of Police, Bihar Military Police, Central Bench, Patna.
5. Commandant, Bihar Military Police - 14, Patna.

.... Respondents-Respondents

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Appearance :

For the Appellant : Mr. Satya Prakash and Vindhyachal Singh,
Advocates.

For the Respondents : Mr. Raghwanand, G.A. 11.

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**CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE SUDHIR SINGH**

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE SUDHIR SINGH)

Date: 20-01-2017

Heard Learned Counsel for the parties.

The challenge made to the present Letters Patent Appeal is the order passed by the Learned Single Bench of this Court on 11th of August 2015 in C.W.J.C No. 10271 of 2008, whereby the writ application filed by the appellant, seeking direction upon the respondents, for his appointment on the post of constable in Bihar Military Police – 14, Patna, has been dismissed.

The brief facts of the case are that the appellant submitted



his application for appointment on the post of Constable in Bihar Military Police, along with all relevant certificates/documents in the office of the Commandant, B.M.P-14, Patna, in pursuance to the Advertisement No. 02 of 2004 published in the Hindi Daily Newspaper “Hindustan”, Patna Edition, dated 08.02.2004. The appellant got total of 12 points in the physical test and 5 more points which ought to have been awarded to the appellant as he had secured 1st position, in the State Weight Lifting Championship in category of 62 Kg. body weight, being not given to him by the Selection Board, is the impugned grievance to approach this Court.

The Learned Counsel for the appellant submitted that while making application the appellant had submitted the certificate contained in Annexure-3 to the writ petition, issued by Bihar Weightlifters’ Association affiliated to Indian Weightlifting Federation and recognized by Youth Affairs and Sports Department, Government of Bihar and Bihar Sports Authority, Patna, to secure 1st position in State Weightlifting Championship, in category of 62 Kg. body weight. It is further submitted that Deputy Inspector General of Military Police, Patna, doubted the certificate granted to appellant for the reason that the appellant and another candidate Pappu Kumar both submitted certificate of securing 1st position in State Weightlifting Championship in the category of 62 Kg Body weight and in the same



year i.e. 2004 and also by the same Association. Therefore, the appellant was not awarded 5 points, which should have been granted to him in terms of Clause 9 (viii) (2) of the Advertisement, and he could have been selected but the Learned Single Bench didn't consider the verification/clarification made by the Association contained in Annexure-8 to the writ petition and passed the order, under challenge.

The Learned Counsel for the State, on the other hand, submitted that in terms of the clause of the advertisement, it is the personal responsibility of concerned DIG to be fully satisfied with regard to the genuineness & correctness of the Medal/Prize, therefore, DIG, BMP, Patna, rightly doubted the certificate of the appellant because two persons can't stand first simultaneously, in the same sports, under the same category and in the same year.

Since our attention has been drawn to Annexure-8 to the writ petition having Ref. No. 147 dated 13.03.2007, the letter written by the secretary, Bihar Weightlifters' Association, to the Deputy Inspector General of Police, Bihar Military Police, Patna, whereunder it is clearly mentioned that certificate of candidates, including the appellant had been returned after verification in pursuance to Memo No. 836 dated 12.10.2006 and the appellant, and, another Pappu Kumar, both had secured 1st position in the category of 62 Kg body



weight.

In view of the fact, we are of the opinion that authorities had no reason to doubt the certificate of the appellant, securing 1st position in the State Weight Lifting Championship in specially view of Annexure – 8 to the writ petition, thus he was entitled to get points, as per the advertisement.

Consequently, the Letters Patent Appeal is allowed and the order passed by the Learned Single Bench is set aside. The authorities are directed to grant points to the appellant considering his certificate of State Weightlifting Championship and to declare his result forthwith.

(Hemant Gupta, ACJ)

(Sudhir Singh, J)

U.K./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.02.2017.
Transmission Date	

